

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

JAMES ANTHONY,

*

Plaintiff,

*

vs.

*

MIDLAND FUNDING, LLC

*

and

*

**FULTON FRIEDMAN &
GULLACE, LLP**

*

Civ. Action No.: 1:12-cv-99

*

and

*

CHRISTOPHER I. MOYLAN

*

and

*

JOHN DOES 1-10,

*

Defendants.

*

*

*

*

*

*

*

*

*

*

*

*

*

**PLAINTIFF'S OPPOSITION TO MOTION
TO MODIFY SCHEDULING ORDER**

Plaintiff, by and through his attorney, submits this opposition to the Defendants' joint motion to modify the April 17th Scheduling Order with respect to the deadlines for the Defendants to identify expert witnesses.

1. The dispute at issue was raised for the first time in an e-mail sent to undersigned counsel on August 20, 2012, at 2:08 PM, forwarding a

draft of the pending motion and asking for the Plaintiff's consent to the relief requested. There was no prior communication objecting to or requesting clarification of the Plaintiff's expert witness disclosure.

2. Upon receipt of the draft motion, undersigned counsel realized that he had created confusion by incorrectly stating that "a preliminary report setting forth the substance of Dr. Mitra's opinions and the grounds for each opinion" was being supplied with the designation. In reality, the document supplied is the only, and final report, that will be prepared in this case by Dr. Mitra, and the "preliminary report" language should not have been used.

3. Undersigned counsel has now supplied Defendants' counsel with an Amended Designation that states the following with respect to Dr. Mitra:

1. *Soma Mitra, M.D.
Wilkins Medical Center
4660 Wilkins Avenue, Ste. 100
Baltimore, Maryland 21229*

Dr. Mitra is a physician who treated Mr. Anthony for his injuries. The subject matter on which Dr. Mitra is expected to testify is the medical treatment she provided to Mr. Anthony, as reflected in her medical records and bills. Dr. Mitra will testify that the injuries for which she treated Mr. Anthony were the direct result of the debt collection activities that is the subject of this lawsuit. Dr. Mitra will also testify that the services provided by her were reasonable and necessary and that the charges for

*that treatment were reasonable and customary. **A statement of the opinions that she will express and the basis for the opinions** [A preliminary report setting forth the substance of Dr. Mitra's opinions and the grounds for each opinion] is attached hereto as **Exhibit A**. A copy of Dr. Mitra's Curriculum Vitae is attached hereto as **Exhibit B**.*

Dr. Mitra has not testified as an expert at trial or by deposition within the last four years.

|
*Dr. Mitra has been paid \$200.00 for her time in preparing the report attached as **Exhibit A**.*

Dr. Mitra available for deposition on the following dates:

August 24, 2012 at 10:00 a.m.

August 28, 2012 at 10:00 a.m.

4. As the Court has correctly observed, there was no "preliminary report" qualification used in the designation of Kenneth Sharoff, Ph.D.

5. Thus, Defendants have been provided adequate information to allow them to proceed to take the depositions of the Plaintiff's experts and have not been prejudiced.

For these reasons, Plaintiff respectfully suggests that the requested modifications to the scheduling order are not necessary and requests that the pending Motion to Modify Scheduling Order be denied.

Dated: August 23, 2012

Respectfully Submitted,

/s/ E. David Hoskins

E. David Hoskins, Bar No. 06705
LAW OFFICES OF E. DAVID HOSKINS, LLC
Quadrangle Building at Cross Keys
2 Hamill Road, Suite 362
Baltimore, Maryland 21210
(410) 662-6500 (Tel.)
(410) 662-7800 (Fax)
dhoskins@hoskinslaw.com

CERTIFICATE OF SERVICE

I hereby certify that, on this 23rd day of August, 2012, a copy of the foregoing was served by ECF notification upon the following:

Megan E. Gullace, Esquire
FULTON FRIEDMAN & GULLACE, LLP
7350 B Grace Drive
Columbia, Maryland 21044
*Attorney for Fulton Friedman & Gullace, LLP
and Christopher I. Moylan*

Lauren M. Burnette, Esquire
MARSHALL, DENNEHEY, WARNER, COLEMAN
& GOGGIN, PC
4200 Crums Mills Road, Ste. B
Harrisburg, Pennsylvania 17112
Attorney for Midland Funding, LLC

/s/ E. David Hoskins